

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

**KYLEE MARTINEZ, individually and
as the Next of Kin and The Personal
Representative for the ESTATE OF
ANTHONY MARTINEZ,**

Plaintiff,

v.

**DEPUTY SKYLER SELLERS, in his
Individual and official capacity as a
Deputy with the Adair County Sheriff's
Department, and SHERIFF JASON
RITCHIE, in his official capacity as
Sheriff of Adair County, State of Oklahoma,**

Defendants.

No. 23-CV-102-RAW-GLJ

ORDER

Before the court is Plaintiff's Motion for Leave to Amend and File a Second Amended Complaint [Docket No. 38]. On June 28, 2023, the court referred this case to Magistrate Judge Jackson for all other proceedings in accordance with jurisdiction pursuant to 28 U.S.C § 636(b) and Fed. R. Civ. P. 72. [Docket No. 23].

. In accordance with that referral, Judge Jackson has issued his Report and Recommendation [Docket No. 58] regarding the captioned motion and recommends that Plaintiff's Motion for Leave to Amend and File a Second Amended Complaint [Docket No. 38] be GRANTED and that Plaintiff's Motion for Leave to Amend and File a Second Amended Complaint [Docket No. 34] should be DENIED as moot. No objection to the report and recommendation has been filed and the time to file objections has passed.

Upon consideration of the record and the issues herein, the court finds that the Magistrate Judge's findings are supported by substantial evidence and the prevailing legal authority. Accordingly, it is the order of this court that the Magistrate Judge's Report and Recommendation [Docket No. 58] is hereby affirmed and adopted and the Plaintiff's Motion for Leave to Amend and File a Second Amended Complaint [Docket No. 38] is GRANTED. Plaintiff is directed to file the Second Amended Complaint within seven (7) days of the date of this order. Plaintiff's Motion for Leave to Amend and File a Second Amended Complaint [Docket No. 34] is hereby DENIED as moot.

IT IS SO ORDERED this 13th day of February, 2024.

A handwritten signature in black ink, reading "Ronald A. White". The signature is written in a cursive, flowing style.

HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA